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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,355	09/12/2000	Sarit Neter	YMEDIA.007A	4870

28112 7590 01/13/2005  
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EXAMINER

HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/659,355

Applicant(s)

NETER, SARIT

Examiner

James M Hannett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-30, 35-37 is/are allowed.
- 6) ☒ Claim(s) 31-34, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 7/19/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., selecting a set of associated pixel elements, dividing the set of picture elements into subsets that are used to determine an arithmetic central value) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Claim Objections***

Claims 38 and 39 are objected to because of the following informalities: Claims 38 and 39 recite the limitation "the plurality of subsets of the associated set" there is no antecedent basis for this limitation in the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1:** Claims 31-34, 38, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by

USPN 6,724,945 Yen et al.

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2: As for Claim 31, Yen et al teaches on Column 2, Lines 17-40 a method of detecting a defective pixel element within pixel elements in an imaging device using an image captured by the end-user, the method comprising: For a captured image, comparing a first pixel element value (center pixel value) with a second value related to an arithmetic central value (median pixel value) determined from element values of pixels in a two dimensional neighborhood; determining from the comparison if the first pixel element value is in error; and substituting the first pixel element value with a third value related to a value of at least one of the other pixel elements in the two dimensional neighborhood. The third value is viewed as the median pixel value and the second value is viewed as the difference value.

3: In regards to Claim 32, Yen et al teaches on Column 2, Lines 1-7 that the second value is related to at least two element values corresponding to at least two pixels on opposite sides of the first pixel element.

4: As for Claim 33, Yen et al teaches on Column 2, Lines 32-39 the comparison includes determining if the first pixel element value varies from the second value by more than a threshold amount.

5: In regards to Claim 34, Yen et al teaches on Column 2, Lines 1-7, Column 2, Lines 17-40 and Figure (1 and 4) an imaging system comprising: An imager (20) including a plurality of pixel sensor elements Figure 2; a controller (30) coupled to the imager, the controller configured to read pixel sensor element values; a defective pixel detection circuit (26) configured to determine when at least a first pixel value associated with a first pixel sensor element within a two dimensional neighborhood is in error by comparing the at least first pixel value to a second value related to an arithmetic central value (median pixel value) determined from at least one

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other pixel element within the two dimensional neighborhood; and a pixel compensation circuit configured to replace the value of the first pixel element with a third value related to at least one other pixel element within the two dimensional neighborhood.

6: As for Claim 38, Yen et al teaches on Column 2, lines 24-29 the arithmetic central value for the associated set of pixels is the median.

7: In regards to Claim 39, Yen et al teaches on Column 2, lines 24-29 the arithmetic central value for the associated set of pixels is the median.

#### **Allowable Subject Matter**

8: Claims 1-30 and 35-37 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach or suggest the use of an imaging system configured to compensate for one or more individual defective pixels in an array of pixel elements, wherein a controller is configured to generate pixel addresses of at least three subsets of pixels within a block and a bad pixel detection and correction unit configured to determine the subset with the minimum variance, calculate a median of each subset, determine whether a value of the center pixel exceeds the medians of the subsets, and to replace the value of the center pixel with the median of the subset with the minimum variance if the value of the center pixel exceeds the medians of the subsets.

#### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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SUPERVISORY PATENT EXAMINER  
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James M. Hannett  
Examiner  
Art Unit 2612